

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

OCT 16 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

DARRELL RENNELL STEPHNEY,

Appellant.

2 CA-CR 2006-0445
DEPARTMENT B

MEMORANDUM DECISION

Not for Publication
Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20062571

Honorable Hector E. Campoy, Judge

AFFIRMED

Leonardo & Roach, L.L.C.
By Nathan D. Leonardo

Tucson
Attorneys for Appellant

E S P I N O S A, Judge.

¶1 Appellant Darrell Stephney was arrested after procuring forty dollars' worth of crack cocaine for an undercover police officer in a hand-to-hand transaction. Stephney was indicted for the sale and transfer of a narcotic drug, both class two felonies. He waived his right to a jury and was found guilty of both charges after a bench trial at which four witnesses testified for the state. Having found Stephney guilty on both counts, the trial court implicitly rejected his entrapment defense. The court suspended the imposition of sentence

and placed Stephney on three years' probation, ordering him to serve ninety days in jail as one condition of his probation.

¶2 Stephney filed a timely notice of appeal, and the court appointed counsel to represent him. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating he has conscientiously reviewed the record without finding any arguably meritorious issues for appeal and asking us to search the record for fundamental error. Counsel has complied with the requirements of *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), by “setting forth a detailed factual and procedural history of the case with citations to the record, [so that] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Stephney has not filed a supplemental brief.

¶3 We have reviewed the record and find that it contains substantial evidence to support Stephney's convictions. We have also searched the record for fundamental error pursuant to our obligation under *Anders* and have found none. Stephney's convictions and the court's imposition of probation are, therefore, affirmed.

PHILIP G. ESPINOSA, Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

GARYE L. VÁSQUEZ, Judge